App. F. IX-4

1948.
(C.B.)

File No. 318-47.
Serial Nos.

Previous References.

Later References.
CB 581-48-11
Chr. 98-153-57-1

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for June 1948.

SUBJECT

Promotion and Transfer of certain officers in the Judicial Department.

Notfn No. 9111/C.B. 22nd June 1948.

Notifies the ——

To— The Compiler, Nizam Gazette

M Govt Asst Secy
8.7.48.

19 Pages.

General and Revenue Secretariat | C.B. File No. 318 of 1947. | [App. F. III-2

Serial No.

Letter no. R.O.C. 413/47-48 dated 3.5.1948 from the Registrar, High Court submitting proposals in connection with the posting of an officer as Temporary Addl. Dt. Judge to the Sessions Court Nilgiris.

The vacancy in the cadre of Dt. Judges that is now available is consequent on the recommendation of the High Court for the continuance of the post of temporary Addl. Dt. Judge to the 1st Addl. Sessions Court Nilgiris from 17.5.48, which is separately dealt with in the Law Section.

2. The proposals of the High Court made in this connection are the following:-

(a) Mr. N.R Jaya Rao, Addl. Subordinate Judge, Bangalore, to be promoted as temporary Dt. Judge

(b) Mr. R.P. Vasudeo Munsiff Tumkur to be promoted to act as Subordinate Judge and posted as Addl. Subordinate Judge, Bangalore

(c) Transfer of certain Munsiffs

E—Contn. Sheet.

File No. of 194

General and Revenue Secretariat

Serial No.

Re: (a)

3 mr. C. Abdul Nabi is the next officer in the cadre of Subordinate Judges awaiting promotion as Dt and Sessions Judge. But the High Court is, for the reasons explained in paras 1 to 4 of the Registrar's letter not in favour of recommending mr Abdul Nabi for being promoted as a Dt and Sessions Judge. The confl. Reports of this officer are put up. The proposal of the High Court is for orders.

4 The next officer in the order of seniority in the cadre of Subordinate Judges to be promoted as Dt and Sessions Judge, is mr. N. R. Jaya Rao and the High Court also has recommended this promotion. The confl. Reports of this officer are also put up. The recommendation of the High Court is for orders.

Re: (b)

5 mr. R. P. Vasudeo is next officer in the cadre of Munsiffs to be promoted as Subordinate Judge in view of the promotion of mr

Promotion of certain officers in the Judicial Depn

General and Revenue Secretariat | File No. | of 194 | [App. F. III–2

Serial No.

Mr. Habibullakhan as Subordinate Judge under Vacancy caused by the appointment of Mr. T. Kempiah as Subordinate Judge, as they report Legislature. The recommendation of the High Court is in the order of seniority and it is for orders. The confl Reports of these officer are also put

Re: (c)

Orders are also solicited regarding the transfers proposed

7: This is a contested matter

Limited

disp 4.5.48

The question of Continuing the Presidg Offr. Dist & Sessions Court, Kurnool till the end of December 1948 has reached almost a final stage and it ascertained to have been submitted with a D.F.N.

For perusal

A Dist & Sessions Judge is proposed to be appointed to the Court from 17.5.48 when Courts reopen after the Vacation. The High Court has proposed to promote Sri N. R. Jaya Rao Sub Judge as Dt & Sessions Judge, superseding Sri Abdul Wahab. The reasons for supersession are given in the High Court Registrar's letter and

NOTE—Contn. Sheet.

Promotions and transfers of - 4537
(4) Certain Officers of the Judicial Department CM

File No. of 194 | General and Revenue Secretariat

Serial No.

They are based on the unfavourable remarks in the Confidential reports about Mr. Nabi which are kept below and may be perused. The proposal of the High Court is for consideration } The opinion of the High Court may be accepted
As the is Council matters, orders have the passed whether it is to be disposed of at a meeting of Council or by Circulation As the time before the Judges of Court is short if approved, the Question may be disposed of at a meeting of Council. WP

The second proposal of the High Court is to promote the senior most Munsiff Mr. R.P. Vasudeo as Sr. Subordinate Judge and as the reports about him are satisfactory, it may, perhaps be approved, the matter being Considered at a meeting of the Council } may be app.d. WP

The Third proposal of the High Court Consequent on Mr. Vasudeo promotion is to transfer Mr. D.R. Sanjeevalu, Munsiff Madhupur as Munsiff Jamtara and Mr. V. Gundappa Munsiff Rajmahal to Madhupur Mr. may perhaps be approved } may be app.d

Law Secy 4/5/48 Chief Secy 4/5/48

May be decided at a meeting of the Council WP 5/5/48

Dewan

Conf. Council meeting

AHM 5/5 CB. WP 6/5/48 NM 6/5

CHIEF SECRETARY 9420 4 MAY 1948

(5)

Promotion and transfer of certain officers in the judicial dept

4537

General and Revenue Secretariat	File No.	of 194	[App. F. III–?

Serial No.

Submitted

Draft Ci note is put up for approval.

Chief Secy 7/5/48

7/5/48

11/5/48

Council File No. 1313
For Consideration
at a Meeting of Council
12/5/48.

Ci sent 12/5

NOTE—Contn. Sheet.

146 (6)

CIRCULATION NOTE.

SUBJECT: Promotions and transfers of certain officers of the Judicial Department.

Action is being taken separately regarding the continuance of the post of temporary Additional District Judge to the District and Sessions Court, Mysore until the end of December 1948.

In this connection, the High Court says that a District and Sessions Judge will have to be appointed temporarily with effect from 17-5-1948, the date on which the Subordinate Civil Courts open after vacation, and the following are the proposals submitted by the High Court for sanction:-

(1) Mr. N.R.Jaya Rao, Additional Subordinate Judge, Bangalore, to be promoted as Temporary District Judge;

(2) Mr. R.P.Vasudeo, Munsiff, Tumkur to act as Subordinate Judge and posted as Additional Subordinate Judge, Bangalore

(3) Transfers of certain Munsiffs.

Mr. C. Abdul Nabi is the next officer in the cadre of Subordinate Judges awaiting promotion as District and Sessions Judge. But the High Court says that it has been a recognised policy that promotion of officers to higher grades in the judicial service should be based not on mere seniority and that it should depend upon efficiency and character coupled with seniority. As regards Mr. Abdul Nabi, the High Court says that his work is disappointing and does not come up to the required standard, that he is lacking in legal equipment necessary for a good judicial officer and that his judgments are far below the average in quality. It is further stated that in the opinion of the High Court, the experiment of

contd.....

of appointing officers in the higher grades of judicial service on probation has not worked satisfactorily. For the above reasons, the High Court is not in favour of recommending Mr. Abdul Nabi as District and Sessions Judge and propose that Mr. N.R.Jaya Rao, Additional Subordinate Judge, who is next to Mr. Abdul Nabi may be promoted as temporary District Judge, as he is fit to hold that post.

In making other consequntial arrangements, it is recommended that Mr. R.P.Vasudeo, Munsiff, Tumkur, who is at present the senior-most among the Munsiffs. may be promoted as Acting Subordinate Judge and posted as Additional Subordinate Judge, Bangalore.

The Dewan has ordered that the proposals of the High Court may be considered at an early meeting of Council and the note is circulated to Ministers.

Council File No 1013
For Consideration
at a Meeting of Council

12/8/48

Chief Secretary to Government.

C1313

4532

Extract from the Proceedings of the fifty first *Meeting of the Council of Ministers held at Bangalore on* Thursday the 20th May, *194*8

SUBJECT:-

Promotions and transfers of certain officers of the Judicial Department

OPINION OF THE COUNCIL.

Shri N.R.Jaya Rao may be promoted as Temporary District Judge, superseding Janab C. Abdul Nabi, in accordance with the recommendation of the High Court.

Shri R.P.Vasudev Munsiff, Tumkur is appointed to act as Subordinate Judge.

(Sd) A. RAMASWAMI MUDALIAR
Dewan of Mysore.

"EXTRACT"

Chief Secretary to Government.

Submitted to His Highness.

In connection with the continuance of the post of temporary Additional District Judge to the District and Sessions Court, Mysore, till the end of December 1948, a District and Sessions Judge will have to be appointed temporarily. The High Court has in this connection submitted for sanction the following proposals:-

(1) Sri N.R. Jaya Rao, Additional Subordinate Judge, Bangalore, to be promoted as Temporary District Judge;

(2) Sri R.P. Vasudeo, Munsiff, Tumkur, to act as Subordinate Judge and posted as Additional Subordinate Judge, Bangalore;

(3) Transfer of certain Munsiffs.

The proposal to appoint Sri N.R. Jaya Rao as Temporary District Judge involves the supersession of Janab C. Abdul Nabi who is the next Officer in the cadre of Subordinate Judges awaiting promotion as District and Sessions Judge. But the High Court says that it has been the recognised policy that promotion of officers to higher grades in the Judicial Service should be based not on mere seniority and that it should depend upon efficiency and character coupled with seniority. As regards Janab Nabi the High Court says that his work is disappointing and does not come up to the required standard, that he is lacking in legal equipment necessary for a good Judicial Officer and that his judgments are far below the average in quality. It is further stated that in the opinion of the High Cort the experiment of appointing officers in the higher grades of Judicial Service on probation has not worked satisfactorily. For the above reasons the High Court is not in favour of recommending Janab Abdul Nabi as District Judge and proposes that Sri N.R. Jaya Rao, Additional Subordinate Judge, who is next to Janab Abdul Nabi may be promoted as temporary District Judge, as he is fit to hold that post.

In making other consequential arrangements it is recommended that Sri R.P. Vasudeo, Munsiff, Tumkur, who is at present the senior-most among Munsiffs, may be promoted as acting Subordinate Judge and posted as Additional Subordinate Judge, Bangalore.

The proposals of the High Court were considered at a meeting of Council held on 20th May 1948 when the following resolution was recorded:

recorded:-

" Shri N.K. Jaya Rao may be promoted as Temporary District Judge, superseding Janab C. Abdul Nabi, in accordance with the recommendation of the High Court.

" Shri R.P. Vasudev, Munsiff, Tumkur, is appointed to act as Subordinate Judge. "

I solicit the gracious approval of His Highness to the resolution of the Council.

A Ramaswami Mudaliar

D E W A N.

Bangalore,
25th May 1948.

(1)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promotion of Sri N.R. Jaya Rao, Additional Subordinate Judge, as Temporary District Judge and of Sri R.P. Vasudeo, Munsiff, as Acting Subordinate Judge.

1203

Order.

RN.
18/5/48

Chief Secy
ARM
30/5

MT
31/5

General and Revenue
Secretariat.

C 1013

WD 02504—GPB—500—2-4-48

SUBJECT:—

Promotion of Sri.N.R.Jaya Rao, Additional Subordinate Judge, as Temporary District Judge and of Sri R.P.Vasudeo, Munsiff, as Acting Subordinate Judge.

Circulated to Council of Ministers for perusal of His Highness' orders ~~before~~/after issue of orders.

Chief Secretary to Government.

Through the Secretary to Government,

Law .....Department.

1. Chief Minister.
2. Minister for Finance and Industries.
3. Minister for Law and Labour.
4. Minister for Public Works and Agriculture.
5. Home Minister.
6. Minister for Local Self-Government.
7. Minister for Public Health and Excise.
8. Minister for Education.
9. Minister for City Municipalities and Muzrai.

GENERAL & REVENUE SECRETARIAT

NOTE.—Contn. sheet

Secretary to Government,
Law Department
with compliments

Confidential

L.B. 4537 (13)

R. O. C. / D. Dis. No. 413/41 48

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore 3rd May 194 8

FROM

K. C. LINGIAH GOWDER, ESQ., M.A., LL.B.,
Registrar, High Court of Mysore.

To

S. KANAKARATNARAJ, ESQ., B.A.,B.L.,
Legal Remembrancer and Secretary to Government,
Law Department, B A N G A L O R E.

SIR,

I am directed to invite the kind attention of the Government to the High Court Letter R.O.C. No. 413 & 41-48 dated 11-3-48 recommending for sanction the continuance of the post of temporary Additional District Judge to the District and Sessions Court, Mysore, until the end of December 1948 and to state in that connection that a District and Sessions Judge will have to be appointed temporarily with effect from 17th May 1948, the date on which the subordinate Civil Courts reopen after the Vacation. The seniormost officer in the cadre of the Subordinate Judges at present is Mr. C.Abdul Nabi, B.A.,LL.B., who is in charge of the First Magistrate and Additional Subordinate Judge's Court at Mandya. It has been a recognized policy that promotion of officers to higher grades in the Judicial Service should not be based on mere seniority, and it should depend upon efficiency and character coupled with seniority. As Mr. Abdul Nabi was nearing the top in the Subordinate Judges' cadre and in the run for a District Judge's post, the High Court has watched his work for some time past with a view to see if he is fit for promotion to the responsible post of a District and Sessions Judge. I am

to

to state that, in the opinion of the High Court, his work is disappointing and does not come up to the required standard. He is lacking in legal equipment necessary for a good judicial officer. His judgments are far below the average in quality. They merely contain a clumsy reproduction of the evidence of witnesses, without any attempt at clear analysis or discussion of the evidence. More often there will be no indication at all in his judgments to show that he has applied his judicial mind to reach the findings on the several issues. It is particularly so in his judgments on the appellate side. The impression his judgments have left on the minds of the Judges of the High Court in appeals against his decisions is that he is inclined to take a one-sided view, a highly unsatisfactory feature in a Judge.

2. The judicial career of Mr.Abdul Nabi has not been satisfactory. When he was Magistrate at Hunsur in 1929, the Legal Practitioners met the Chief Justice Mr.Doraswami Iyer in a body and complained that, on account of Mr.Abdul Nabi's behaviour, they had decided to stay away from his court. Mr.Mekhri, as District Magistrate of Mysore in 1931, opined that Mr.Abdul Nabi required further experience to make a successful Judge. The then Chief Justice Mr. Doraswami Iyer agreed with that view. In 1932, Mr. Mekhri repeated the same observation and added that Mr.Abdul Nabi's relationship with the Police in particular

had

had not been happy and that he carried his prejudices too far. When he was Second Magistrate, Kolar, in 1934 the District Magistrate Mr.T.G.Rama Iyer had occasion to observe that he was very soft in his sentences, particularly when his community was concerned. In 1935, Sir D'Arcy Reilly, who was then Chief Justice, remarked that the work of Mr.Abdul Nabi as Magistrate was not satisfactory and he was reprimanded for favouring Muhammadans. When the Chief Justice inspected, on 8th February 1945, the Court of the First Munsiff of Mysore, over which Mr.Abdul Nabi had presided from 26-3-44 to 6-10-44, he remarked that the work done by Mr.Abdul Nabi was unsatisfactory. Throughout his career as a civil Judicial Officer, he seems to have developed an obnoxious and highly objectionable trait in a Judge to dispose of cases ex parte just when they were about to reach the one year limit and then restore them to file on applications filed for that purpose on payment of costs, after keeping such applications pending for a long time. That he was given to such practice from the early days of his civil judicial career can be seen from the remark made by the District Judge Mr.S.R. Ramaswami Aiyar in his confidential report in 1936. That he did not give up that practice but still continued it was noticed by the Chief Justice when he inspected the First Munsiff's Court, Mysore, in 1945. It is thus seen that Mr.Abdul Nabi has not to his credit an unblemished record of

service and has not shown any improvement in his method of work, in spite of the long term of service he has put in. The Judges of the High Court feel that Mr.Abdul Nabi has not inspired confidence in them that he will do well as a District and Sessions Judge. On the other hand, they find that he is unfit to hold that responsible office, particularly when, in disposing of cases, he cannot take a detached view and is inclined to carry his prejudices too far.

3. There were certain anonymous petitions against this officer imputing corruption. But the High Court did not take any notice of such petitions on account of the vagueness of the allegations therein. It is not on account of such petitions against him, but it is on account of his inefficiency that the High Court recommends that, for promotion as District Judge, he may be passed over in favour of the officer next to him in the cadre of Subordinate Judges.

4 In the opinion of the High Court, the experiment of appointing officers in the higher grades of judicial service on probation has not worked satisfactorily. When officers of the age of Mr.Abdul Nabi, who is past 52 years of age, are appointed on probation, it is hardly likely that they will be able to snow any improvement in order to earn confirmation, as it is not possible to improve one's character and efficiency after the formative period

in a man s life is passed.

5 For the above reasons, I am to state that the High Court is not in favour of recommending Mr.Abdul Nabi for being promoted as District and Sessions Judge. I am therefore to recommend that Mr.N.R. Jaya Rao, M.A.,LL.B., Additional Subordinate Judge, Bangalore, who is next to Mr.Abdul Nabi, may be promoted as a temporary District Judge, as, in the opinion of the High Court, he is fit to hold that office.

In making other consequential arrangements, I am to recommend that Mr. R.P. Vasudeo, B.A.,B.L. Munsiff, Tumkur, who is at present the seniormost among the Munsiffs, may be promoted as Acting Subordinate Judge and posted as Additional Subordinate Judge, Bangalore. I am also to recommend the following transfers of Munsiffs in this chain of arrangements :-

Name	From	To
1. Mr. R. Sanjeevalu, B.Sc.,LL.B.,	Munsiff, Madhugiri	Munsiff, Tumkur
2. " V.Gundappa, B.A.,LL.B.	Ag. Munsiff in charge of Doddballapur Munsiff-Magistrate s Court	Munsiff, Madhugiri

I am to add that these recommendations have been made in anticipation of the sanction of the Government for

(17)

for the continuance of the post of temporary Additional District Judge to the District and Sessions Court, Mysore, so that the Additional Judge may start functioning from 17th May 1948, the date on which the subordinate civil courts reopen after Summer Vacation.

I am therefore to request that the Government may be pleased to sanction the arrangements proposed above simultaneously with the issue of the Government Order sanctioning the continuance of the post of the said Additional District Judge.

I have the honour to be,
Sir,
Your most obedient servant,

H. C. Lingaraj

REGISTRAR.

9111/CS 318-47-
Dy 2/6/48 Notification

Mr N. R. Jaya Rao, M.A.,
LL.B., Addl. Subordinate
Judge, Bangalore, is appointed
to act as Dt/Sessions Judge and
posted as Addl Dt. Judge to
take Dt and Sessions Court
Hyson.

Mr R. P. Vasudeo, B.A., B.L.,
Munsiff, Tumkur is appointed
to act as Subordinate Judge,
and posted as Addl Sub-
ordinate Judge Bangalore

Mr R. Sanjeevaiah, B.Sc LL.B.,
Munsiff. Madhugiri is posted
as Munsiff, Tumkur.

Mr V. Gundappa, B.A., LL.B.,
Supt civil Munshi Section,
~~Chitradurga~~, High Court of Mysore
is appointed to act as
Munsiff and posted to take
charge of the Munsiff's Court, Madhugiri

By order

9112-14/CS

Copy to the Registrar. H.C. (with a C.d)
" The Comptroller H. Govt
" ~~Govt Secretariat~~ Law Dept

Secy to Govt
Law Dept
2/6/48

The Compiler, Mysore Gazette
for publication

(17)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No.9111/C.S.318-47-1.

Dated, Bangalore 2nd June *1948*

NOTIFICATION

Sri N.R.Jaya Rao, M.A., LL.B., Additional Subordinate Judge, Bangalore, is appointed to act as District and Sessions Judge, and posted as Additional District Judge to the District and Sessions Court, Mysore.

Sri R. P. Vasudeo, B.A. B.L., Munsiff. Tunkur. is appointed to act as Subordinate Judge and posted as Additional Subordinate Judge, Bangalore.

Sri R. Sanjeevalu, B.Sc., LL.B. Munsiff Madhugiri, is posted as Munsiff, Tumkur.

Sri V. Gundappa, B.A., LL.B , Superintendent, Civil Munshi Section. High Court of Mysore, is appointed to act as Munsiff and posted to the charge of the Munsiff's Court, Madhugiri.

By Order

(Sd.) S.Kanakaratnaraj,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication.

Memo No.9112-11/C.S

Copy of the above is forwarded with compliments to:-

K Kallesh Kayya

Secretary to Government
Law Department.

o/c